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10 Attorneys for Defendant
 11 TEACHSCAPE, INC.

12 IN THE UNITED STATES DISTRICT COURT

13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 SAN JOSE DIVISION

15 LAUREATE EDUCATION, INC.,

16 Plaintiffs,

17 vs.

18 TEACHSCAPE, INC.,

19 Defendants.

No. C 07-03225 RS

DEFENDANT TEACHSCAPE, INC.'S
 REQUEST FOR JUDICIAL NOTICE IN
 SUPPORT OF MOTION TO DISMISS
 FIRST AMENDED COMPLAINT

Date: March 19, 2008
 Time: 9:30a.m.
 Dept: 4 (5th Floor)
 Judge: The Honorable Richard Seeborg

The Federal Rules of Evidence allow a court to take judicial notice of a fact that is "not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." Fed. R. Evid. 201. This rule is applicable to websites available to the general public, and the information contained therein. *See, e.g., Quan v. Gonzales*, 428 F.3d 883, 888 (9th Cir. 2005); *Helen of Troy, L.P. v. Zotos Corp.*, 235 F.R.D. 634, 639-640 (W.D.Tex. 2006); *SemMaterials, L.P. v. Alliance Asphalt, Inc.*, 2007 WL 26908, at *1 fn 2 (D. Idaho 2007).

1 Pursuant to Federal Rule of Evidence 201, Defendant Teachscape, Inc. requests that the
2 Court take judicial notice of the following documents in support of their Motion to Dismiss
3 Plaintiff's First Amended Complaint:

4 1) True and correct copies of the following websites found on the internet, printed on
5 February 8, 2008, attached hereto as Exhibit A:

6 a) <http://www.allyoucanread.com/ads/online-master-degree-in-teaching.asp>:
7 "Online Master Degree In Teaching"; and,

8 b) <http://elearners.com/online-degree/6084.htm>: "Master of Arts in Teaching
9 and Learning (M.A.T.L.) - Elementary Reading".

10 c) http://www.acs.utah.edu/GenCatalog/crsdesc/t_1.html: "T L Course
11 Descriptions";

12 Respectfully submitted,

13 Dated: February 8, 2008

14 SONNENSCHEIN NATH & ROSENTHAL LLP

15 By: _____ /s/ _____
16

17 GAYLE M. ATHANACIO

18 Attorneys for Defendant
19 TEACHSCAPE, INC.

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EXHIBIT A - (a)

[HOME](#)[NEWSPAPERS](#)
[Home / Online Degrees / Online Master Degrees / Online Master Degree in Teaching](#)

ONLINE MASTER DEGREE IN TEACHING

WALDEN UNIVERSITY

Website Information

[http://www.allyoucanread.com/ads/
online-master-degree-in-teaching.M.S.in.Education-Mathematics.Grades.
K-5.asp](http://www.allyoucanread.com/ads/online-master-degree-in-teaching.M.S.in.Education-Mathematics.Grades.K-5.asp)

[Walden University](#)
[M.S. in Education - Mathematics \(Grades 6-8\)](#)

This specialization is designed to help mathematics teachers in grades 6–8 demonstrate high competency in the mathematics content they should be teaching. They will also learn proven research-based strategies and real-world applications to improve student achievement in mathematics.

1. Select a level of study.

[Select a Degree Level](#)

2. What are you interested in?

[Select a Category](#)

3. Narrow your selection by subject.

[Search for Specialization](#) [Find Now!](#)
[More Online Teaching Degrees](#)
[Online Bachelor Degree in Teaching](#)
[Online Certificate in Teaching](#)
[Online Diploma in Teaching](#)

[M.S. in Education - Elementary Reading and Mathematics](#)

Our new specialization contains proven strategies to create a classroom that succeeds in both reading and mathematics. Enhance your instructional skills in reading while you deepen your understanding of key mathematical concepts. Foster literary and analytical skills in young learners using research-based strategies, proven diagnostics tools for struggling readers, and techniques to motivate learners.

[M.S. in Education - Literacy and Learning in the Content Areas](#)

This specialization is designed to help content-area teachers in grades 6–12 improve their students' literacy skills. Whether you teach history, science,

mathematics, social studies, English or other content areas, this degree program features research-based strategies to prepare struggling students for more complex, abstract and sophisticated learning in the content-area classroom.

M.S. in Education - Elementary Reading and Literacy

If you are an educator serving students in K-6 classrooms, Walden's M.S. in Education program can help you become better prepared to improve student learning. Developed in collaboration with Canter and Associates, the program encourages you to put your new skills to the test in actual classroom and school settings, and to continually challenge the results of teaching and learning.

M.S. in Education - Science (K-8)

This specialization is designed to help science teachers in grades K-8 build an understanding of core science concepts through experiencing the nature of the scientific process in their own learning while completing hands-on, inquiry-based science investigations. After reflecting on this new knowledge, educators will consider implications for teaching.

[Search by Program / Degree](#)
[Zip Code \(Postal Code\)](#)

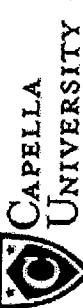
Pick a Program of Study

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- [Trade](#)

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[Online Degree Programs by Level](#)



[Capella University](#)

Master of Science (MS) in Education - Reading and Literacy

This online master's degree specialization prepares K-12 classroom teachers to assess literacy and to develop, implement, and adapt reading curriculum to accommodate diverse learning styles. This specialization is offered in partnership with the University of California, Irvine Extension.

[Associate Degrees](#)

[Bachelor Degrees](#)

[Master Degrees](#)

[PhD Degrees](#)

[Certificate Programs](#)

[Diplomas](#)

[Online Degree Programs by Subject](#)

Business

[MBA, accounting, marketing, finance, management, business administration, e-business, communication](#)

Computer & IT

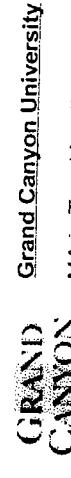
[IT, computer science, web design, networking, information security, computer graphics, game development](#)

Health Care & Nursing

[nursing, health care administration, public health](#)

Art & Design

[interior design, graphic design, fashion](#)
[Education](#)



[Grand Canyon University](#)

MA in Teaching (No I.R., No Cert.)

This program is designed for certified elementary and secondary teachers interested in advanced studies in education. The format and courses of the

regionally accredited program are tailored to meet the needs of the adult learner and to maximize strengths that the student already possesses.

MED Teaching English to Speakers of Other Languages (TESOL) (No I.R. No Cert.)

The Master of Education in Teaching English to Speakers of Other Languages (TESOL) is a program designed for already certified teachers or administrators with an interest in teaching ESL students in the classroom or serving as a district ESL coordinator.



National University

Master of Arts Teaching

The Master of Arts in Teaching is designed for practicing and potential educators who want to enhance their teaching skills, broaden their intellectual and professional understanding by interrelating educational theory and practice for the purposes of pre

Master of Education Cross-Cultural Teaching

The Master of Education in Cross-Cultural Teaching is designed for students who are committed to being instructional leaders in the K-12 setting. Courses for this degree meet the California Commission on Teacher Credentialing requirements for a preliminary

teaching, early childhood education, special education

Science & Engineering
biotechnology, electrical engineering, engineering management

Liberal Arts & Social Sciences
criminal justice, psychology, law, counseling, homeland security, social sciences



Ashford University

Master of Arts Degree in Teaching and Learning with Technology

If you're an existing K12 teacher, corporate trainer or consultant, the Master of Arts in Teaching and Learning with Technology will keep you on the 'cutting edge' of the 21st century classroom or training room, preparing you for exciting career and salary advancements.



Master of Arts in Teaching - Curriculum
and Instruction Emphasis

Earn a Master of Arts in Teaching with emphasis in curriculum & instruction in 18 months University of Saint Mary (USM) - named by The Princeton Review as a 2008 Best College in the Midwest & Best Value College, has designed the M.A.T. degree 100% online to meet your educational needs with a convenient schedule. USM is fully accredited through both North Central Association of Colleges and Schools (NCA) & the National Council for Accreditation of Teacher Education (NCATE).



Kaplan University

M.A. in Teaching and Learning

The Kaplan University online Master of Arts in Teaching and Learning degree offers a professional development opportunity for practicing K-12 teachers with a classroom/group of students, seeking to enhance their classroom performance.

M.A. in Teaching and Learning - Special
Needs

The M.A. in Teaching and Learning – Teaching Students with Special Needs is specifically designed to provide practicing K-12 teachers and early childhood professionals with advanced strategies, skills, and classroom techniques applicable in the growing field of special education.

M.A. in Teaching and Learning - Teaching
with Technology

The M.A. in Teaching and Learning – Teaching with Technology is specifically designed to provide practicing K-12 teachers and early childhood professionals with advanced strategies, skills, and classroom techniques for integrating technology into their teaching practices.

M.A. in Teaching and Learning - Literacy
and Language: Grades K-6

A master's degree with this emphasis area will qualify you to develop curriculum at the elementary level and lead to other career advancement opportunities. You'll learn about teaching basic reading and writing skills to children, how to help adolescents

overcome comprehension difficulties, and how to develop courses for ESL.

M.A. in Teaching and Learning - Literacy and Language: Grades 6-12

A master's degree with this emphasis area will qualify you to develop curriculum at the secondary level and lead to other career advancement opportunities. You'll learn about teaching basic reading and writing skills to children, how to help adolescents overcome comprehension difficulties, and how to develop courses for ESL.

M.A. in Teaching and Learning - Teaching Mathematics: Grades 9-12

Learn how to develop mathematical proficiency in students grades 9–12. This emphasis focuses on instructional strategies for teaching high school mathematics; measurements, numbers, and operations; and algebra.

M.A. in Teaching and Learning - Teaching Mathematics: Grades K-5

Learn how to develop mathematical proficiency in students in grades K–5. This emphasis area focuses on teaching numbers and operations, geometry and measurement, algebra, and data analysis and probability.

M.A. in Teaching and Learning - Teaching Mathematics: Grades 6-8

Learn how to develop mathematical proficiency in students in grades 6–8. This emphasis area focuses on teaching numbers and operations, geometry and measurement, algebra, and data analysis and probability.

M.A. in Teaching and Learning - Teaching Science: Grades K-6

Learn to plan and teach an inquiry-based science class for grades K–6. Focus on content and instructional strategies to help students actively learn physical and life science and earth and space science.

M.A. in Teaching and Learning - Teaching Science: Grades 6-12

Learn to plan and teach an inquiry-based science class for secondary students. Topics include historical and social perspectives on science and technology, physical and life science, and earth and

space science.



University of Phoenix

- M.A. in Education/Teacher Education for
Elementary Licensure
- M.A. in Education/Teacher Education for
Secondary Licensure



Western Governors University

M.A. in Teaching (PK-8)

Become an elementary school teacher and earn your master's degree. The M.A. in Teaching (PK-8) combines preparation for elementary or generalist/middle school teacher licensure with additional education to earn your master's degree.

M.A. in English Language Learning (preK-12)

The competency-based M.A. in English Language Learning (prek-12) prepares currently licensed educators to teach effectively in English Language Learning (ELL) or English as a Second Language (ESL) settings and provide curricular leadership in their schools and school systems.

M.A. in Teaching Mathematics (5-9 or 5-12)

The Master of Arts in Teaching degree allows you to earn a master's degree — and, simultaneously, a license to teach middle and/or high school mathematics — at your own convenience without requiring you to take traditional classes at a bricks-and-mortar campus (none of which may be near you anyway) and without requiring you to take time away from your current workplace.

Master's in Mathematics Education (K-6, 5-9 or 5-12)

The WGU program allows you to earn a master's degree and, simultaneously, a secondary mathematics endorsement or an elementary specialty in K-6 mathematics — at your own convenience and without a requirement to take traditional classes at a bricks-and-mortar campus (none of which

may be near you anyway) and without requiring you to take time away from your current employment as a teacher.

Master's in Science Education (5-9 or 5-12)

The Master of Arts in Science Education program allows you to earn a master's degree—and, simultaneously, a secondary science endorsement in middle and/or high school sciences—at your own convenience without a requirement to take traditional classes at a bricks-and-mortar campus (none of which may be near you anyway) and without requiring you to take time away from your current employment as a teacher.

M.A. in Teaching Science (5-9 or 5-12)

The WGU M.A. in Teaching, Social Science (5-12) combines preparation for teacher licensure in middle school or high school social science with additional education to earn your master's degree. The program trains you to become a highly-qualified teacher and includes supervised practice teaching in an actual classroom setting.

Top 5 Most Popular Online Schools

1. [Walden University](#)
2. [University of Phoenix](#)
3. [Capella University](#)
4. [Keller Graduate School](#)
5. [Westwood College](#)



M.A. in Teaching and Learning - Literacy and Language: Grades K-6

The Kaplan University online Master of Arts in Teaching and Learning degree offers a professional development opportunity for practicing K-12 teachers with a classroom/group of students, seeking to enhance their classroom performance. Degree candidates will read, analyze, and critique both historical and current educational research studies to prepare them to assume the role of instructional leaders dedicated to improving student performance.

The degree program is designed to help candidates become proficient in program competencies that are based upon national and professional standards for practicing teachers. Additionally, the program is built upon the Reflective Decision-Maker Model to strengthen thoughtful self-analysis of teaching practice.

The program's nine emphasis areas-Teaching Literacy and Language: Grades K-6, Teaching Literacy and Language: Grades 6-12, Teaching With Technology, Teaching Students With Special Needs, Teaching Mathematics: Grades K-5, Teaching Mathematics: Grades 6-8, Teaching Mathematics: Grades 9-12, Teaching Science: Grades K-6, and Teaching Science: Grades 6-12 - aim to enhance teachers' existing classroom skills and promote career enrichment.

Teaching Literacy and Language -- Grades K-6 Emphasis:

A master's degree with this emphasis area will qualify you to develop curriculum at the elementary level and lead to other career advancement opportunities. You'll learn about teaching basic reading and writing skills to children, how to help adolescents overcome comprehension difficulties, and how to develop courses for ESL.



M.A. in Teaching and Learning - Teaching Mathematics: Grades K-5

The Kaplan University online Master of Arts in Teaching and Learning degree offers a professional development opportunity for practicing K-12 teachers with a classroom/group of students, seeking to enhance their classroom performance. Degree candidates will read, analyze, and critique both historical and current educational research studies to prepare them to assume the role of instructional leaders dedicated to improving student performance.

The degree program is designed to help candidates become proficient in program competencies that are based upon national and professional standards for practicing teachers. Additionally, the program is built upon the Reflective Decision-Maker Model to strengthen thoughtful self-analysis of teaching practice.

The program's nine emphasis areas-Teaching Literacy and Language: Grades K-6, Teaching Literacy and Language: Grades 6-12, Teaching With Technology, Teaching Students With Special Needs, Teaching Mathematics: Grades K-5, Teaching Mathematics: Grades 6-8, Teaching Mathematics: Grades 9-12, Teaching Science: Grades K-6, and Teaching Science: Grades 6-12 - aim to enhance teachers' existing classroom skills and promote career enrichment.

Teaching Mathematics -- Grades K-5 Emphasis:

Learn how to develop mathematical proficiency in students in grades K-5. This emphasis area focuses on teaching numbers and operations, geometry and measurement, algebra, and data analysis and probability.

**M.A. in Teaching and Learning - Teaching Mathematics: Grades 6-8**

The Kaplan University online Master of Arts in Teaching and Learning degree offers a professional development opportunity for practicing K-12 teachers with a classroom/group of students, seeking to enhance their classroom performance. Degree candidates will read, analyze, and critique both historical and current educational research studies to prepare them to assume the role of instructional leaders dedicated to improving student performance.

The degree program is designed to help candidates become proficient in program competencies that are based upon national and professional standards for practicing teachers. Additionally, the program is built upon the Reflective Decision-Maker Model to strengthen thoughtful self-analysis of teaching practice.

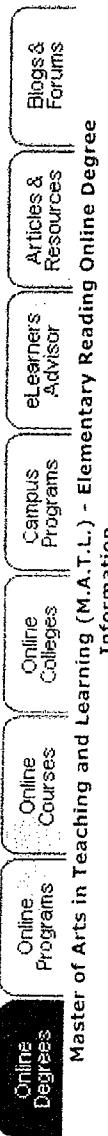
The program's nine emphasis areas-Teaching Literacy and Language: Grades K-6, Teaching Literacy and Language: Grades 6-12, Teaching With Technology, Teaching Students With Special Needs, Teaching Mathematics: Grades K-5, Teaching Mathematics: Grades 6-8, Teaching Mathematics: Grades 9-12, Teaching Science: Grades K-6, and Teaching Science: Grades 6-12 - aim to enhance teachers' existing classroom skills and promote career enrichment.

Teaching Mathematics -- Grades 6-8 Emphasis:

Learn how to develop mathematical proficiency in students in grades 6-8. This emphasis area focuses on teaching numbers and operations, geometry and measurement, algebra, and data analysis and probability.

EXHIBIT A - (b)

eLearners[®]
eLearners.com



Master of Arts in Teaching and Learning (M.A.T.L.) - Elementary Reading

Online Degrees > Education & Teaching > K12 Education > This Degree

School Info

Degree Title: **Master of Arts in Teaching and Learning (M.A.T.L.) - Elementary Reading**

College: Nova Southeastern University

Description: The Master of Arts degree in Teaching and Learning (M.A.T.L.) degree program has been designed by Nova Southeastern University to meet the needs of busy classroom practitioners by linking theory to best practices in the classroom. As you learn from today's leading educational theorists, master teachers will model and reflect on best practice strategies that you can begin to implement and develop as part of your daily classroom repertoire. The M.A.T.L. degree program is composed of integrated curricular blocks, each consisting of six graduate credit hours. Each block contains multi-dimensional modules that cover specific academic subject areas. Course concepts are reinforced by combining peer interaction, best practice videos and active applications in a problem-based learning framework. Video and online distance education technologies are used to create a productive and enriching educational experience for each participant. This degree program is a 30-credit-hour sequential curriculum, which can be completed in only 14 months. There are four 10-week terms and one 8-week summer term; courses are configured in blocks of six credit hours each. The Elementary Reading specialization focuses on primary reading strategies and language.

Accreditation: Nova Southeastern University is regionally accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

Delivery Format: Entirely Online

Educational Level: Master

Language: English

Requirements: Must hold an accredited bachelor's degree.



Facts & Figures

* Institutional Accrediting Agency:

Nova Southeastern University is regionally accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

* Address:

3301 College Avenue
Fort Lauderdale, FL 33314
US

Institution Type: Private, not-for-profit, Higher Education

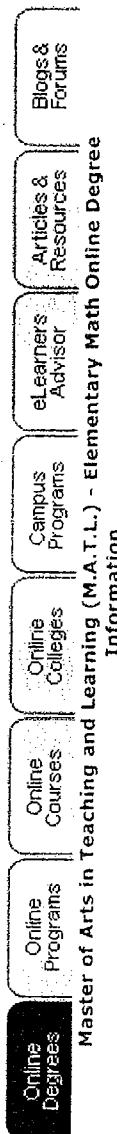
* Credit-earning Options:

Varies by program. Please contact the University for further details.

* Delivery Format:

Online. Some programs incorporate an on-campus component. Please see degree descriptions for details.

Website information: <http://elearners.com/online-degree/6084.htm>



Master of Arts in Teaching and Learning (M.A.T.L.) - Elementary Math

[Online Degrees > Education & Teaching > K-12 Education > This Degree](#)

School Info

Degree Title: **Master of Arts in Teaching and Learning (M.A.T.L.) - Elementary Math**

College: **Nova Southeastern University**

Description: The Master of Arts degree in Teaching and Learning (M.A.T.L.) degree program has been designed by Nova Southeastern University to meet the needs of busy classroom practitioners by linking theory to best practices in the classroom. As you learn from today's leading educational theorists, master teachers will model and reflect on best practice strategies that you can begin to implement and develop as part of your daily classroom repertoire. The M.A.T.L. degree program is composed of integrated curricular blocks, each consisting of six graduate credit hours. Each block contains multi-dimensional modules that cover specific academic subject areas. Course concepts are reinforced by combining peer interaction, best practice videos and active applications in a problem-based learning framework. Video and online distance education technologies are used to create a productive and enriching educational experience for each participant. This degree program is a 30-credit-hour sequential curriculum, which can be completed in only 14 months. There are four 10-week terms and one 8-week summer term; courses are configured in blocks of six credit hours each. The Elementary Math specialization concentrates on essential primary mathematics skills.

Accreditation: Nova Southeastern University is regionally accredited by the Commission on Colleges of the Southern Association of Colleges and Schools. [\[?\]](#)

Delivery Format: Entirely Online [\[?\]](#)

Educational Level: Master [\[?\]](#)

Language: English

Requirements: Must hold an accredited bachelor's degree.

Facts & Figures

* **Institutional Accrediting Agency:** [\[?\]](#)

Nova Southeastern University is regionally accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

* **Address:**

3301 College Avenue
Fort Lauderdale, FL 33314
US

* **Institution Type:** [\[?\]](#)
Private, not-for-profit, Higher Education

* **Credit-earning Options:** [\[?\]](#)
Varies by program. Please contact the University for further details.

* **Delivery Format:** [\[?\]](#)
Online. Some programs incorporate an on-campus component. Please see degree descriptions for details.

website information: <http://elearners.com/online-degree/6085.htm>

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[Articles & Resources](#) | [Blogs & Forums](#) | [Guide to Online Education](#) | [Online Degree Programs](#) | [Graduate School Programs](#) | [Study Abroad Programs](#)
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EXHIBIT A - (c)

University of Utah
Teaching and Learning
T L Course Descriptions

[Home](#) | [Feedback](#) | [Disclaimer](#)
University of Utah

General Catalog Spring 2008
Posted Sep 24, 2007

Disclaimer: The course information below is current as of Sep 24, 2007, is intended for informational purposes only, and does not constitute a legal contract between the University of Utah and any person or entity.

This Web document is updated twice a year, on or about the first day of registration for Fall and Spring semesters.

website information : <http://www.acs.utah.edu/GenCatalog/crsdesc/t-l.html>

6310 MAT Elementary Methods & Curriculum (3) Prerequisite: Must be admitted to the Elementary MAT Program.

Combines practice and theory; recent educational literature on instructional methods, evaluation, classroom management and teacher effectiveness are considered. Examination of various research-based means for enhancing student achievement, developing thinking skills, assessing students' needs and motivation, matching strategies with instructional goals, and promoting group interaction skills.

6318 MAT Principles & Methods of Literacy I (3) Prerequisite: Must be admitted to the Elementary MAT Program.

Introductory course for teaching literacy at the elementary school level. Focus on the interrelationship between reading, writing, speaking, listening and thinking. Builds upon content knowledge based on the reading process (grades K-6).

6319 MAT Principles & Methods of Literacy II (3) Prerequisite: Must be admitted to the Elementary MAT Program.

Assists students in early literacy development and practices. Explores how children become early readers and writers, developmental process of reading and writing, impact of culture and diversity on these processes. Includes alphabetic system, teaching that system, and stages in learning spelling. Course is based on scientifically-based reading research, including theoretical and empirical studies, illustrating how research-based reading principles are applied in the classroom. Requires completion of T L 6318.

6320 MAT Principles & Methods of Literacy III (3) Prerequisite: Must be admitted to the Elementary MAT Program.

This course builds on T L 6319. Focus is on how to teach comprehension processes and strategies for grades K-6. Course topics include: assessment, metacognition, comprehension strategies, searching for information in various kinds of texts, process writing, curriculum integration and principles of engagement and motivation. Requires completion of T L 6319.

6360 MAT Elementary Math Methods & Curriculum I (3) Prerequisite: Must be admitted to the Elementary MAT Program.

Curriculum and mathematical ideas are based on national standards which direct teaching goals and objectives within schools in order to understand how children learn and the ability to create a classroom environment where students explore, communicate and reason mathematically. This class will integrate content and methods to develop math concepts, make connections to the standards and identify methods for teaching mathematics.

6361 MAT Elementary Math Methods & Curriculum II (3) Prerequisite: Must be admitted to the Elementary MAT Program.

Part II of series. Curriculum and mathematical ideas are based on national standards which direct teaching goals and objectives within schools in order to understand how children learn and the ability to create a classroom environment where students explore, communicate and reason mathematically. This class will integrate content and methods to develop math concepts, make connections to the standards and identify methods for teaching mathematics.

6370 MAT Elementary Science Methods and Curriculum (3) Prerequisite: Must be admitted to the Elementary MAT Program.

Introduction to methods of teaching inquiry-based, elementary school science. Emphasis is placed on refining student' scientific knowledge and developing the ability to translate the theories of science education into classroom practice. Emphasizes fostering student scientific literacy in developing the ability to translate the theories of science education into classroom practice.

6380 MAT Elementary Social Studies Methods (3) Prerequisite: Must be admitted to the Elementary MAT Program.

Meets with T L 5380. Theoretical, philosophical, and methodological dimensions of social science and its implication for practice and change. Students will examine theory and research and translate that knowledge into practice through supportive design and implementation of lessons and units.

6390 MAT Teaching Practices in Public Schools Seminar (3) Prerequisite: Must be admitted to the Elementary MAT Program.

This course builds upon students' classroom experience during field practicum by addressing management theories and practices, educational philosophies, curriculum planning and various teaching methods and strategies.